IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

Bail Appl..No. 4275 of 2007()

CRIME NO. 201/07 OF ARANMULA POLICE STATION

PETITIONERS/ACCUSED NOS.1 TO 4:

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1. REGHU, AGED 33 YEARS,
S/O. SIVASANKARAN NAIR, 'REKHA BHAVAN',
VENMONY VILLAGE, VEMONY, ALAPPUZHA DISTRICT.

2. SYAMALAMMA, AGED 54 YEARS,
W/O. SIVASANKARAN NAIR, 'REKHA BHAVAN',
VENMONY VILLAGE, VENOMY, ALAPPUZHA DISTRICT.

3. MRS. REKHA, D/O.SIVASANKARAN NAIR,
REKHA BHAVAN, VENMONY VILLAGE, VENMONY,
ALAPPUZHA DISTRICT.

4. SIVASANKARAN NAIR,
REKHA BHAVAN, VENMONY VILLAGE, VENMONY,
ALAPPUZHA DISTRICT.

BY ADV. SRI.C.B.SREEKUMAR

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
ARANMULA POLICE STATION, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4275 of 2007

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Dated this the 13th day of July, 2007

O R D E R

Application for anticipatory bail. The petitioners apprehend arrest as accused 1 to 4 in a crime registered under Section 498A I.P.C. The learned counsel for the petitioner submits that the marriage had taken place as early as in 2001. There is strain in the marital tie and therefor false and vexatious allegations are raised against the petitioners, who are husband and the relatives of the husband of the defacto complainant.

2. The learned Prosecutor, on instructions, submits that the Investigating Officer does not any more want to arrest the petitioners. The investigation is already complete and final report has already been filed. The petitioners must appear before the learned Magistrate and seek bail in the ordinary course. I find no reason to invoke the equitable discretion under Section 438 Cr.P.C. in favour of the petitioners, who need only appear before the learned Magistrate and seek regular bail.

3. This application is hence dismissed. Needless to say, if the petitioners surrender before the Investigating Officer or the learned Magistrate having jurisdiction and apply for regular bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously, on the date of surrender itself.

4. Hand over the order.

(R. BASANT)
Judge

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